

United States District Court
for the
Southern District of Florida

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|---------------------------|---|-------------------------------------|
| Dashon Hines, Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 23-20953-Civ-Scola |
| |) | |
| Miami Marlins, Defendant. |) | |

Order Denying Motion for Leave to Appeal *In Forma Pauperis*

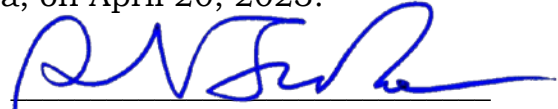
Plaintiff Dashon Hines has moved for leave to proceed *in forma pauperis* on appeal. (Pl.’s Mot., ECF No. 14.) The Court denies the motion for two reasons: (1) the motion does not satisfy the requirements of Rule 24(a)(1) of the Federal Rules of Appellate Procedure, and (2) Hines’s appeal is not taken in good faith. Either of these reasons is sufficient on its own to deny the motion.

Rule 24(a)(1) of the Federal Rules of Appellate Procedure provides that a party filing a motion in district court seeking to appeal *in forma pauperis* must attach an affidavit to the motion that, among other things, “claims an entitlement to redress” and “states the issues that the party intends to present on appeal.” Fed. R. App. P. 24(a)(1)(B)–(C). To begin with, Hines’s affidavit claiming entitlement to redress is unsigned. Second, Hines does not set forth the issues he intends to present on appeal. Instead, he simply sets forth definitions for two standards of review: clearly erroneous and abuse of discretion. (Pl.’s Mot. at 1.) Aside from that, Hines has not identified any specific issues he intends to present on appeal.

Further, Hines’s motion is not taken in good faith. “An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard.” *Ghee v. Retailers National Bank*, 271 F. App’x 858, 859 (11th Cir. 2008). An appeal filed *in forma pauperis* is frivolous “when it appears the plaintiff has little or no chance of success,” meaning that the “factual allegations are clearly baseless or that the legal theories are indisputably meritless.” *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993) (internal quotation marks omitted). Hines’s appeal appears to have little or no chance of success: he does not even suggest, never mind actually set forth, a legal theory that appears to have any merit or any material factual allegations that would support an appeal.

For the reasons set forth above, the Court **denies** Hines's motion for leave to proceed *in forma pauperis* on appeal (**ECF No. 14**).

Done and ordered, in Miami, Florida, on April 20, 2023.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.
United States District Judge

Copy via U.S. mail to:

Dashon Hines
124 Fulton Street #5C
Buffalo, NY 14204